

Last year, I cosponsored the Victim Rights Clarification Act of 1997. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial. As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial, were able to do so.

The Crime Victims Assistance Act, S. 1081, is legislation that I introduced this past July with Senator KENNEDY. It builds upon the progress made over the last several years. It provides for a wholesale reform of the Federal Rules and Federal law to establish additional rights and protections for victims of federal crime.

This bill would provide crime victims with an enhanced right to be heard on the issue of pretrial detention and plea bargains, an enhanced right to a speedy trial and to be present in the courtroom throughout a trial, an enhanced right to be heard on probation revocation and to give a statement at sentencing, and the right to be notified of a defendant's escape or release from prison.

The Crime Victims Assistance Act would also strengthen victims' services by increasing Federal victim assistance personnel, enhancing training for State and local law enforcement and Officers of the Court, and establishing an ombudsman program for crime victims.

With a simple majority of both Houses of Congress, the Crime Victims Assistance Act could be enacted this year and we could mark a significant and immediate difference in the lives of victims throughout our country. I hope that the Senate will turn to this important measure, as well, in our efforts to assist victims of crime.

One unfortunate consequence of the effort to focus attention on proposals to amend the Constitution has been to dissipate efforts to enact effective victims rights legislation over the past two years. The momentum we had built over the last several years has been dissipated by this constitutional focus and exclusion of statutory reform.

While we have made great improvements in our law enforcement and crime victims assistance programs and have made advances in recognizing crime victims' rights, we still have work to do. Each year I try to help focus attention on those who work so hard every week of the year on behalf of all crime victims in crime victims' assistance and compensation programs. Their hard work and dedication have made a real difference in the lives of people who suffer from violence and abuse.

The needs of victims of crime are many and must be addressed in a num-

ber of ways, including strengthening law enforcement and education, improving and increasing services for victims, and protecting the rights of victims. I am hopeful that in the days to come, the research directed by the Crime Victims with Disabilities Awareness Act will serve as the foundation for the growth and improvement of services available to victims with disabilities throughout our country.

Mr. ALLARD. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1976), as amended, was considered read the third time and passed.

Mr. DEWINE. Mr. President, I rise today to compliment my colleagues for the unanimous passage of the Crime Victims with Disabilities Awareness Act of 1998. When I introduced this legislation, S. 1976, I wanted to increase public awareness of the plight of crime victims with disabilities—by developing a research and statistical basis from which to understand the nature and extent of crimes against people with developmental disabilities.

Gauging from the favorable response of my colleagues, the press, and people in the disability community itself, public awareness of the crime victims with developmental disabilities has increased by the very introduction of this legislation. But we recognize that this is only the tip of the iceberg—the larger problem is crimes against people with many other kinds of disabilities as well.

Passage of this legislation comes not a moment too soon. It is time that we began a new, hopeful chapter in the lives of the many disabled individuals who live quietly in fear of crime and violence.

There are too many victims who cannot communicate what has happened to them—who find it more difficult than most crime victims to seek comfort, counseling, reassurance, and protection. These victims must relive the violence for the rest of their lives.

Today, as a governing body, the United States Senate has spoken collectively on this increasing challenge. We know that for a number of reasons, more people are being born developmentally disabled. Among the factors are poor prenatal nutrition, increases in child abuse, and substance abuse issues, including fetal alcohol syndrome.

It is my hope that the Department of Justice will engage the Committee on Law and Justice of the National Research Council to produce seminal, multi-disciplinary research that will encourage further academic research in this area, and develop useful new strat-

egies to reduce the incidence of crimes against the disabled. America should not have to rely upon foreign countries to infer research and statistics about our own citizens.

Passage of this legislation is an important recognition of the severity of the impact crime has on these people's lives. It is an attempt to speak for those who cannot speak for themselves. We will not let the disabled suffer alone and in silence any longer. As a country we must understand them, learn to communicate with them, and reassure them.

This is a very important step forward for American society.

I thank my colleagues, and I yield the floor.

ORDERS FOR TUESDAY, JULY 14, 1998

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stands in adjournment until 9:30 a.m. on Tuesday, July 14. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I further ask consent that the Senate stand in recess from 12:30 until 2:15 p.m., to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. For the information of all Senators, on Tuesday morning, under a previous order, the Senate will debate the motion to waive the Budget Act with respect to the Daschle amendment, with a vote occurring on the motion at 10 a.m. Following that vote, the Senate will continue consideration of the agriculture appropriations bill with the hope of finishing the bill by early evening.

For the remainder of the week, it is hoped that the Senate will complete several more appropriations bills. Members are reminded that the Leader Lecture Series, hosted by the majority leader, will be held tomorrow night at 6 p.m. in the old Senate Chamber. The Speaker will be former Senate Majority Leader Howard Baker.

Also, on Wednesday morning at 10 a.m. there will be a joint meeting of Congress in the House Chamber to receive an address by the President of Romania.

ORDER FOR ADJOURNMENT

Mr. ALLARD. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the Senator from New Jersey, Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

TOBACCO AMENDMENT NOT SUBJECT TO A POINT OF ORDER

Mr. LAUTENBERG. Mr. President, it has been inquired all around the country, by many people, as to whether or not the tobacco industry won its fight here in the Capitol. Did they bowl us over? Did they get the Congress to knuckle under? Are they so powerful that, over the will of the American people, the tobacco industry prevailed?

And we say no. There is an amendment that has been offered by the Democratic leader, Senator DASCHLE, that would give us a chance in the Senate to choose between the tobacco industry, the tobacco lobby, their friends, and our Nation's children.

This amendment would put a real dent in a public health catastrophe that has touched nearly every American family. There are few of us who have not heard about the ravages of tobacco on a friend or relative, or seen people we know weakened from respiratory conditions caused by the use of tobacco—smoking, and how it changed the structure of their lives, how they are unable to do the things that they used to do: participate in sports, play actively with their children or their grandchildren—or how they suffered premature death.

Too often, on the Senate floor, we have heard opponents of the tobacco bill parrot the propaganda of the tobacco industry. I would like to take a moment to review the real issues in this debate.

The tobacco industry still lives in a privileged regulatory environment set up by its backers throughout decades. We have now learned something about what they discussed in the privacy of their boardrooms, in the privacy of their records, in the privacy of their marketing schemes, knowing full well that if they manipulated their product, if they introduced more nicotine, if they changed the advertising, that they could capture the market replacements that they needed to maintain their profits and their revenues. They knew if they tweaked their ads in a certain way, they could get young people to pick up smoking. Joe Camel became better known, it was said, than Mickey Mouse.

The reason the industry targets our children and engages in other corporate misbehavior is that, aside from the courts, the industry does not face any real oversight of their actions, despite their devious actions to fool the public. The tobacco amendment that we have before us would put oversight in place. That is the primary reason that the industry's friends killed the bill last month. They killed it because they didn't want to have their market opportunities reduced. They didn't

want to let the children, the young people in our society, get by, live normal lives, without their life expectancies being impaired. They didn't want to protect the families and the well-being of our citizens, because it meant cash to these folks. It meant that their market might shrink a little bit, that their stock prices might go down, that their salaries might be decreased. They didn't care about the damage they wrought—not at all. We see it in testimony, some of which was given under oath, which has some questions surrounding it.

This amendment would establish unfettered FDA jurisdiction over tobacco products, so people would know what is there, so people would know that smoking can really do a job on you. I know many people have talked about the importance of FDA jurisdiction, but I want to describe what it really means. It means that the Federal Drug Administration has the capacity to enforce their anti-teen-smoking efforts. It means that they will have clear statutory authority to enact the appropriate constitutional advertising restrictions to protect children.

FDA authority also means that smokers will know what chemicals and additives are put into the cigarettes they smoke. We did some research in my office on this subject and found out there are some 500 ingredients that are in a pack of cigarettes and some of these things are really toxic. We restrict their use in normal functioning in our society because we know how dangerous they are. When our constituents enter their local grocery or drug stores, cigarettes and other tobacco products are the only products meant for human consumption that do not disclose their ingredients. We ask it of food products. We are getting stricter all the time about what you have to worry about with meat and how you have to cook it and treat it. So, too, with vegetables. We see advertisements: "Organically grown." But when it comes to tobacco, they put up, to use the expression, a pretty heavy smoke-screen.

Last year I introduced a bill to inform consumers about the ingredients and chemicals in tobacco products. Although we know that most smokers are aware that cigarettes are "bad for you," I don't think the vast majority of smokers, or citizens, realize that there is arsenic and benzene and lead in the smoke they consume. These are things we prohibit. We prohibit the use of lead in paint today. We prohibit the use of benzene in products where it used to be routine. And arsenic—everybody knows that arsenic is a poison. Not only will the FDA require, under this amendment, the tobacco companies to disclose the presence of these chemicals, but it will also make sure the tobacco industry takes appropriate steps to decrease these poisons in their products.

For years, the tobacco companies hid health secrets and secretly manipu-

lated the ads as to the nature of their products. Under strong FDA jurisdiction, the tobacco industry will have to play by the rules. And, like other industries that produce drugs, they are going to be subject to the appropriate oversight to protect the consumers, to protect our citizens. It is long overdue.

One thing we have to remember in the argument with the tobacco companies, the arguments that we have with them, is that this is not just another business, this is a business whose products are going to kill you if you use them, and there is no denying that. This is a business that is designed to make an addict out of you—addicts, over 45 million in America today. If this business was conducted in a less auspicious place than a boardroom of a tobacco company, and if it was a group of individuals who said, "We have a way to weaken America and here is the plot: We can kill over 400,000 Americans every year, and no one is going to say anything to us. Further, we cannot only encourage people to use the product, but we can start with them when they are children."

Do you know what? They will be more addicted to this product than many of them are addicted to illegal drugs. If we do this, we can cost America \$100 billion in lost productivity and in health care costs; we can attack the American Nation, killing 400,000 people in a year, more than eight times the number that we lost in Vietnam in all the years of that war, a period of time when almost all America went into mourning about the loss of these young lives, these brave people; 58,000 died there—and here we lose 400,000 people a year, more than all of the wars that this country fought in this century. In one year, we kill more Americans with tobacco than those lost in combat in the 20th century.

Mr. President, this amendment is going to require the tobacco products and advertisements to have large, clear warning labels that will send a strong message to kids about the real consequences of smoking. We are not just going to say "could be dangerous to your health." And we are not going to permit it to be in colorful ads to make the young people feel like this is the macho image, this is the cool image that they want to portray. These warning labels will not be hidden in small type on the side of a pack of cigarettes. These labels will be prominently displayed in large type on each side of the pack of cigarettes.

They will contain simple, truthful messages about the dangers of the product: Cigarettes are addictive; cigarettes cause cancer; and smoking can kill you. All true. All to the point. These new warning labels will add a strong dose of truth to the industry's deceitful billboards and other ads. They are not going to continue to see the guy on horseback roping the cattle or the champion swimmer or the champion athlete. No, those are bogus claims. We don't believe those anymore. But the problem is there has